



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In re **Public Employee**, Public Entity,
State of Nevada,

Advisory Opinion No. 22-001A

_____ Public Employee. /

ABSTRACT OPINION

I. STATEMENT OF THE CASE

Public Employee requested this advisory opinion from the Nevada Commission on Ethics ("Commission") pursuant to NRS 281A.675, regarding the propriety of Public Employee's anticipated future conduct as it relates to the Ethics in Government Law ("Ethics Law") set forth in NRS Chapter 281A. Pursuant to NAC 281A.352, a quorum of the Commission considered this matter by submission, without holding an advisory-opinion hearing.¹ The Commission considered the request for an advisory opinion, information provided by Public Employee and affirmed as true, and publicly available information.

Public Employee sought an opinion from the Commission regarding the applicability of the "cooling-off" requirements under the Ethics Law if Public Employee separates from public service to seek private employment. After fully considering this request and analyzing the facts and circumstances presented, the Commission deliberated and advises of its decision that the "cooling-off" provisions of NRS 281A.550(3) and (5) do not apply to the circumstances. However, Public Employee must comply with the provisions of NRS 281A.410(1)(b) and NRS 281A.400, which are detailed in this opinion.

The Commission now renders this abstract opinion. Although a full written opinion was properly served, for confidentiality reasons, this abstract opinion redacts certain findings of fact that were affirmed as true by Public Employee, provides a summary of issues, and removes other identifying information to protect the confidentiality of Public Employee. Facts and circumstances that differ from those presented to and relied upon by the Commission in this opinion may result in different findings and conclusions than those expressed in this opinion.

II. QUESTION PRESENTED

Public Employee requests guidance on whether the "cooling-off" provisions of the Ethics Law set forth in NRS 281A.550(3) and (5) or NRS 281A.410(1)(b) apply to seeking certain private employment upon leaving public service.

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¹ The following Commissioners participated in this opinion: Chair Wallin, Vice-Chair Duffrin and Commissioners Gruenewald, Lowry, Oscarson, Sheets, Towler and Yen.

III. FINDINGS OF FACT

1. Public Employee is employed by Public Entity.
2. Public Entity is a conduit for certain public programs.
3. Public Entity has established regulations relating to applying for funding from its programs but does not otherwise regulate the operations of the applicants, whether they be individuals or businesses.
4. Funding recipients enter into agreements with Public Entity that controls the deliverables and expenditures associated with the public program.
5. Public Employee hopes to pursue employment with a private employer ("Potential Employer"), who entered into one of these agreements with Public Entity a few years ago, which was amended in excess of 12 months ago ("Agreement"). The Agreement continues because it has not reached its end term.
6. Potential Employer has not entered into any other agreements or associated amendments, with Public Entity during the preceding 12 months.
7. Public Employee was not employed by Public Entity when it approved the Agreement or its amendment. Additionally, Public Employee's designated job duties do not relate to the Agreement or its amendment, and matters relating thereto are specifically handled by other staff.
8. While Public Employee has initiated the application process with Potential Employer, Public Employee is seeking this advisory opinion for further consideration, should the position remain open.
9. Public Employee confirms there has not been any use of a public position to seek future private employment including employment with Potential Employer.
10. Public Employee confirms that Public Employee will comply with the provisions of NRS 281A.410(1)(b) for the one-year period following any separation from public service which precludes representing or counseling any private person (including any private employer such as Potential Employer on any issue that was under consideration by Public Entity during public service.
11. If the provisions of NRS 281A.550 apply, Public Employee seeks relief from the "cooling-off" requirements because Public Employee's home is in Nevada, and Public Employee would like to remain in this State and not be required to seek a position elsewhere, and other factors were provided favoring relief on the submission that the private employment would result in associated benefits to the public.
12. Pursuant to NRS 281A.685(3)(c)(2), Public Employee requests written permission to disclose the confidential advisory opinion issued by the Commission in this matter to Potential Employer, without otherwise waiving the statutory confidentiality protections.

IV. STATEMENT OF ISSUES AND RELEVANT STATUTES

A. OVERVIEW OF ISSUES

The Ethics Law promotes public integrity through the appropriate separation of public duties and private interests by Nevada's public officers and employees. In furtherance of that mission, the Ethics Law imposes a one-year "cooling-off" requirement against former public officers and employees to prevent these government actors from using any proprietary or regulatory information, access or relationships belonging to the public to create competitive disadvantages or other misuse of government information in the private sector regulated by the governmental entity. See NRS 281A.550(3) and (5), and NRS 281A.410(1)(b). In addition, the Ethics Law includes Standards of Conduct set forth in NRS 281A.400 which apply to public officers and employees to protect the integrity of public service, including seeking or gaining future employment. These standards impose certain restrictions on the use of a public position including information, relationships, or experiences acquired from the public service, which belong to the public, to benefit public officers/employees in obtaining future private employment.

B. RELEVANT STATUTES

1. Duty to Avoid Conflicts of Interest

NRS 281A.020 provides:

1. It is hereby declared to be the public policy of this State that:
 - (a) A public office is a public trust and shall be held for the sole benefit of the people.
 - (b) A public officer or employee must commit himself or herself to avoid conflicts between the private interests of the public officer or employee and those of the general public whom the public officer or employee serves.
2. The Legislature finds and declares that:
 - (a) The increasing complexity of state and local government, more and more closely related to private life and enterprise, enlarges the potentiality for conflict of interests.
 - (b) To enhance the people's faith in the integrity and impartiality of public officers and employees, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.
 - (c) In interpreting and applying the provisions of this chapter that are applicable to State Legislators, the Commission must give appropriate weight and proper deference to the public policy of this State under which State Legislators serve as "citizen Legislators" who have other occupations and business interests, who are expected to have particular philosophies and perspectives that are necessarily influenced by the life experiences of the Legislator, including, without limitation, professional, family and business experiences, and who are expected to contribute those philosophies and perspectives to the debate over issues with which the Legislature is confronted.
 - (d) The provisions of this chapter do not, under any circumstances, allow the Commission to exercise jurisdiction or authority over or inquire into, intrude upon or interfere with the functions of a State Legislator that are protected by legislative privilege and immunity pursuant to the Constitution of the State of Nevada or NRS 41.071.

2. Improper Use of Public Position – Code of Ethical Standards

NRS 281A.400(1),(2), (5), (7) and (10) provide:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest or any person to whom the public officer or employee has a commitment in a private capacity. As used in this subsection, "unwarranted" means without justification or adequate reason.

5. If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

7. Except for State Legislators who are subject to the restrictions set forth in subsection 8, a public officer or employee shall not use governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer or employee who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of the public officer's or employee's public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

↪ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

10. A public officer or employee shall not seek other employment or contracts for the public officer or employee or any person to whom the public

officer or employee has a commitment in a private capacity through the use of the public officer's or employee's official position.

3. "Cooling-Off" – Accepting Employment

NRS 281A.550(3) and (5) provide:

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded \$25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

4. "Cooling-Off" – Representing or Counseling

NRS 281A.410(1)(b) provides, in relevant part:

In addition to the requirements of the code of ethical standards:

1. If a public officer or employee serves in a state agency of the Executive Department or an agency of any county, city or other political subdivision, the public officer or employee:

(b) If the public officer or employee leaves the service of the agency, shall not, for 1 year after leaving the service of the agency, represent or counsel for compensation a private person upon any issue which was under consideration by the agency during the public officer's or employee's service. As used in this paragraph, "issue" includes a case, proceeding, application, contract or determination, but does not include the proposal or consideration of legislative measures or administrative regulations.

V. DECISION

The Commission recognizes the importance of protecting the public trust and related discernment when private employment opportunities are inextricably linked to public positions in government by directing that proper separation be maintained between public service and private employment endeavors. This matter illustrates the importance of complying with the Code of Ethical Standards in seeking private employment because the circumstances do not directly implicate the "cooling-off" prohibitions of NRS 281A.550(3) or (5) of the Ethics Law. The Commission provides its analysis of the scope of the "cooling-off" restrictions of NRS 281A.550 but focuses the opinion on the mandatory provisions of NRS 281A.410(1)(b) and the requirements of NRS 281A.400 (Code of Ethical Standards).

NRS 281A.410(1)(b) provides a 12-month restriction from providing compensated counseling or representation services on any issue under consideration by the employing public agency during the tenure of service for the separating public officer or public employee. It is noted that NRS 281A.410(1)(b) has designated exceptions, but the statutory provisions do not provide a mechanism to obtain relief in Public Employee's circumstances. In addition, in the time that Public Employee remains in public service, Public Employee must comply with the Standards of Conduct set forth in NRS 281A.400 and properly separate public duties and private interests when seeking or obtaining future employment in the private sector.

A. THE "COOLING-OFF" REQUIREMENTS OF NRS 281A.550(3) DO NOT APPLY UNDER THE CIRCUMSTANCES

NRS 281A.550(3) would prohibit Public Employee from soliciting or accepting employment from a business or industry whose activities are regulated by Public Entity for one year after termination of Public Employee's public service if any one of three criteria is met:

- (1) Public Employee's principal public duties included formulating policy contained in the Public Entity's regulations (NRS 281A.550(3)(a));
- (2) Within the immediately preceding year, Public Employee directly performed activities, or controlled or influenced an audit, decision, investigation, or other action, which significantly affected the business or industry which might otherwise employ Public Employee (NRS 281A.550(3)(b)); or
- (3) Public Employee has obtained trade secrets of a direct business competitor (NRS 281A.550(3)(c)).

NRS 281A.550(10) confirms that "regulation" has the meaning ascribed to it in NRS 233B.038(1), which provides:

NRS 233B.038 “Regulation” defined.²

1. “Regulation” means:
 - (a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency;
 - (b) A proposed regulation;
 - (c) The amendment or repeal of a prior regulation; and
 - (d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

Public Entity’s regulations are within the definition of “regulation” set forth in NRS 233B.038 and referenced in NRS 281A.550(10). Accordingly, the key aspect is not whether Public Entity has the authority to make regulations but involves whether Public Entity regulates the activities of the business or industry from which private employment is sought.

Public Employee confirms that Public Entity does not regulate Potential Employer’s business licensing or other operations. The Commission discerns there is a distinction between Public Entity’s regulations and regulations that govern the required licensing or operational activities of a business or industry. Here, the Agreement is by its very nature a voluntary act rather than required regulatory conditions on a business or industry. The fact that an associated agreement has deliverables or conditions does not singularly establish the agency is regulating the business or industry. Further, any related agreement or contract would be reviewable under the companion “cooling off” requirements of NRS 281A.550(5).

In an analogous opinion, the Commission found an agency not to be within the scope of application of NRS 281A.550(3) because the regulations created access to and controlled the conditions of its programs and services and did not otherwise interact to restrict or regulate the industry itself. *See In re Public Officer*, Comm’n Op. No. 14-082A (2015). Similar to Opinion No. 14-082A, the record before the Commission does not establish that NRS 281A.550(3) applies to the anticipated employment with Potential Employer.³ Moreover, Public Employee affirmed under oath that Public Employee’s job duties do not relate to Potential Employer’s Agreement, and Public Employee does not have the authority to make policy recommendations or to formulate policy. Accordingly, the Commission determines that Public Employee’s employment with Potential Employer would not violate the provisions of NRS 281A.550(3).

B. THE “COOLING-OFF” PROVISIONS OF NRS 281A.550(5) ARE IMPLICATED BUT DO NOT APPLY TO POTENTIAL EMPLOYER

NRS 281A.550(5) prohibits employment with a private entity that contracts with the State or a political subdivision if the contract amount exceeds \$25,000, the contract was awarded within the 12 months immediately preceding the termination of public service, and the position held by the former public employee at the time the of the contract award allowed the former public officer or employee to affect or influence the award of the contract.

² NRS 233B.038(2) has certain statutory exclusions that do not apply to these circumstances.

³ The facts confirmed as true by Public Employee are material to the Commission’s opinion, and contrary facts could substantially change the guidance issued in this opinion.

All of the above three factors set forth in NRS 281A.550(5) must be met for its restrictions to apply. Public Employee confirms that Potential Employer was awarded the Agreement and related amendment years ago and prior to Public Employment's current employment. Further, Potential Employer is not currently seeking any agreements with Public Entity. Since the Agreement and related amendment were both awarded in excess of 1 year ago, the provisions of NRS 281A.550(5) do not apply because the date of the contract is not within the scope of the statute.

Despite the inapplicability of the express provisions of law set forth in NRS 281A.550(3) and (5), the Commission emphasizes the ethical appearances, if not pitfalls, where a public employee leaves public service for the private sector with an offer of employment from an entity which has a very lucrative contract with the government agency.⁴ This bespeaks of appearances of *quid pro quo* and unfair playing fields, particularly because Potential Employer likely will want to protect its interests in continuing to receive the benefits related to the agreement. Consequently, Public Employee must fully comply with the restrictions of NRS 281A.410(1)(b) and the Code of Ethical Standards, both of which directly apply to Public Employee's circumstances.

C. NRS 281A.410(1)(b) LIMITATIONS

Public Employee is advised that under NRS 281A.410(1)(b), Public Employee may not, for the one-year period following separation from public service, represent or counsel any private person (including any private employer or other business entities) on any issue that was under consideration by Public Entity during Public Employee's tenure. In *In re Sweeney*, Comm'n Op. No. 15-70C (2016), the Commission found a violation even where the former employee did not realize Public Employee's counseling or representation of a private person (Public Employee's employer) implicated NRS 281A.410(1)(b). These provisions are mandatory, apply even when the provisions of NRS 281A.550 do not, and are not subject to granting of relief under the circumstances presented. Accordingly, former public officers/employees must be vigilant to recognize applicable situations and comply with the statutory restrictions.

Once again, the Commission interprets the law consistent with the Legislature's express provisions and intent to conclude that Public Employee may not counsel or represent a future private employer on issues that were under consideration during Public Employee's term of service for Public Entity. Based upon the facts presented, it can be reasonably concluded that Public Employee's anticipated role for Potential Employer might involve providing direct advice, counseling, or representation to Potential Employer in navigation of the Agreement, as amended. However, Public Employee must take affirmative steps to avoid this conflict.

The provisions of NRS 281A.410(1)(b), do not limit employment in the private sector. Instead, they control the flow of information and advice about issues that were under consideration by the public employer. Here, the Commission accepts Public Employee's pledge to comply with the mandatory provisions of NRS 281A.410(1)(b) and

⁴ Since NRS 281A.550(3) and (5), are not applicable to the circumstances, the Commission need not address whether relief should be granted from the restrictions under NRS 281A.550(6). Nevertheless, the Commission expresses concern that Public Employee has already had contacted Potential Employer to discuss the potential employment before receiving this advisory opinion. The concern is that this contact could be considered to be soliciting employment as defined in NRS 281A.550(9). The Commission has confirmed that seeking employment prior to obtaining relief from the Commission "is at one's peril. At a minimum, the restricted conduct hinders and could serve to preclude the ability of the Commission to grant relief from the "cooling-off" prohibition pursuant to NRS 281A.550(6)." *In re Public Employee*, Comm'n Op. No. 18-80A (2019), at p.7.

instructs that the mandatory restrictions will prevent Public Employee from providing any advice to Potential Employer about matters associated with the Agreement, its amendment, or any matters considered by Public Entity during Public Employee's tenure of public service for 12 months following separation from public service. To comply with the statute, Public Employee would be wise to take affirmative and stringent steps to assure that Public Employee is not asked to provide these services as part of Public Employee's private employment and to completely separate from all matters relating to the Public Entity for the required period of time. To do otherwise, would place Public Employee in peril of an Ethics violation.

D. USE OF GOVERNMENT POSITION – APPLICABILITY OF NRS 281A.400 (1), (2), (5) AND (10)

Public Employee must commit to avoid conflicts between Public Employee's private interests and those of the general public served. Public Employee has a personal interest in seeking future gainful employment with the private sector. In furtherance thereof, Public Employee has a duty to avoid actual and perceived conflicts of interest, and Public Employee may not use a public position to secure or grant unwarranted privileges, preferences, exemptions, or advantages for self or any person to whom Public Employee has a commitment in a private capacity. NRS 281A.020 and NRS 281A.400(1) and (2). "Unwarranted" means without justification or adequate reason. NRS 281A.400(2).

In prior Commission opinions, the Commission has reviewed the circumstances on a case-by-case basis to determine whether there has been a use of a public position to seek or gain a business opportunity or private employment. Recently, the Commission recognized the foresight of seeking guidance from the Commission prior to acting and provided an analysis of the application of NRS 281A.400 to circumstances where a public employee was in a situation to use a public position to further private interests which could have led to a violation of the Ethics Law. See *In re Public Officer*, Comm'n Op. No. 17-39A (2018); *In re Public Employee*, Comm'n Op. No. 16-61A (2016).

Here, Public Employee confirms that there was no use of a public position to seek future private employment. Public Employee's public duties do not relate to any matters applicable to Potential Employer. The Commission looked for these concerns and confirmed through facts provided by Public Employee that even the relationship with Potential Employer was not obtained through public employment. Even though the Commission finds no current impropriety, the public position held by Public Employee provides a unique opportunity to dilute the public trust, which could lead to a violation of the Ethics Law. While holding the opportunity alone does not create a violation, it does create a duty to avoid conflicts of interest and prevent a violation of the Ethics Law. NRS 281A.020. During Public Employee's remaining time in public service, Public Employee must stay vigilant to comply with the provisions of NRS 281A.400 including the following:

- **NRS 281A.400(1)** prohibits a public officer or employee from seeking or accepting any employment, engagement, emolument, or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.
- **NRS 281A.400(2)** prohibits a public officer or employee from using a public position to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to

whom the public officer or employee has a commitment in a private capacity to the interests of that person.

- **NRS 281A.500(5)** prohibits a public officer or employee from using any information acquired through public duties or relationships which by law or practice is not at the time available to people generally, to further a significant pecuniary interest of the public officer or employee or any other person or business entity.
- **NRS 281A.400(7)** prohibits the private use of government resources, time, equipment, and facilities with certain exceptions.
- **NRS 281A.550(10)** prohibits a public officer or employee from seeking other employment or contracts through the use of the public officer's or employee's official position.

In applying the provisions of NRS 281A.400 to the private employment context, the Commission considers the specific circumstances and determines whether the job would have been provided but for the public position held or whether the private employment or contract closely relates to the public duties of the public officer or employee. See *In re Cegavske*, Comm'n Op. No. 05-16A (2005) (concerns about whether public officer/employee would have been provided the business opportunity but for the current public position; however, caution was advised since there was insufficient evidence for an unequivocal finding) and *In re Public Employee*, Comm'n Op. No. 15-28A (2016) (concerns expressed regarding use of public position to seek post-termination consulting contract with employing public entity because anticipated private services were similar to public officer's/employee's assigned public duties). Concerns would be present if the public officer/employee were to reach out to subordinates, or utilize relationships singularly obtained through a public position to seek the future position.

Central to the ethical standards of conduct is the public policy concern regarding improper use of a public position to acquire a private or personal gain. The statutory provisions are not subject to relief or waiver by the Commission. So, appropriate care must be taken by public officers/employees, including Public Employee, to comply with these provisions and maintain the integrity of public service by avoiding actual conflicts or even an appearance of impropriety by properly separating private interests from public duties. NRS 281A.020. Provided that Public Employee properly separates herself from any matter governed by NRS 281A.410(1)(b) for the required one-year compliance period, statutory compliance will be obtained, and the public trust can be protected.

VI. CONCLUSIONS OF LAW

1. At all times relevant to the hearing of this matter, Public Employee was a public employee as defined by NRS 281A.150.
2. Pursuant to NRS 281A.675, the Commission has jurisdiction to render an advisory opinion in this matter and such opinion may include guidance from the Commission to the public officer or employee under NRS 281A.665.
3. Public Employee is subject to the "cooling-off" provisions of NRS 281A.410(1)(b), and Public Employee may not represent or counsel a private person or entity, including a private employer, for at least one year after the termination of public service on any issues that were under consideration by Public Entity during Public Employee's tenure. The Agreement, as amended, and all associated processing

and compliance matters constitute an issue that was under consideration by Public Entity for application of this statute.

4. Under the circumstances as presented, Public Employee's potential employment with Potential Employer does not fall within the scope of the prohibitions delineated in NRS 281A.550(3) because the proposed employment is not with a business or industry whose activities are governed by regulations adopted by Public Entity and because Public Employee's public service does not involve any of the statute's listed activities associated with business or industry regulation.
5. Public Employee's current circumstances implicate but do not fall within the limitations set forth in NRS 281A.550(5), because Public Employee was not employed by Public Entity at the time of the approval of the Agreement or its amendment, which was in excess of 12 months ago. Therefore, Public Employee did not have the ability to affect or influence the award of these contracts.
6. Public Employee is advised to comply with the Code of Ethical Conduct set forth in NRS 281A.400 on matters implicating Public Employee's potential employment.
7. Public Employee's request to share this written opinion with Potential Employer pursuant to NRS 281A.685(3)(c)(2) is granted. In addition, this statute permits Public Employee to share the written opinion with Public Employer or Public Employer's legal counsel. Public Employee should take care to ensure the recipient of the written opinion is restricted from sharing the opinion with any other person not specifically permitted to receive the written opinion under the statutory requirements. A release of the written opinion could waive Public Employee's confidentiality protections for advisory opinions under the Ethics Law.

Any Finding of Fact hereafter construed to constitute a Conclusion of Law, or any Conclusion of Law construed to constitute a Finding of Fact, is hereby adopted, and incorporated as such to the same extent as if originally so designated.

Dated this 17th day of February, 2022.

NEVADA COMMISSION ON ETHICS

By: /s/ Kim Wallin
Kim Wallin, CPA, CMA, CFM
Chair

By: /s/ James Oscarson
James Oscarson
Commissioner

By: /s/ Brian Duffrin
Brian Duffrin
Vice-Chair

By: /s/ Damian R. Sheets
Damian R. Sheets, Esq.
Commissioner

By: /s/ Barbara Gruenewald
Barbara Gruenewald, Esq.
Commissioner

By: /s/ Thoran Towler
Thoran Towler
Commissioner

By: /s/ Teresa Lowry
Teresa Lowry, Esq.
Commissioner

By: /s/ Amanda Yen
Amanda Yen, Esq.
Commissioner